

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BYRON K. RED KETTLE,	)	
	)	
Petitioner,	)	8:13CV171
	)	
v.	)	
	)	
SCOTT FRAKES, Director,	)	ORDER
Nebraska Department of	)	
Correctional Services,	)	
	)	
Respondent.	)	
	)	

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At the Court's direction, petitioner Byron Red Kettle filed an Amended Petition for Writ of Habeas Corpus (Filing No. 80) ("amended petition") on November 2, 2015. Along with his amended petition, Red Kettle filed a request asking the Court to incorporate all of his "pleadings previously filed" in this case into his amended petition. (Filing No. 81.) The Court will deny Red Kettle's request.

The Court provided Red Kettle with the following word of caution in its previous order:

The Court notes Red Kettle's tendency to routinely file supplements, amended petitions, and motions seeking to amend his claims. These filings frustrate the Court's ability to effectively manage and progress this case. Therefore, Red Kettle will have 30 days in which to file one amended petition for writ of habeas corpus that incorporates all of his claims

for relief. The amended petition must not incorporate any part of his prior petitions or supplements to his petitions. The amended petition will supersede Red Kettle's prior pleadings in this matter. Red Kettle is encouraged to use the court-approved form to draft his amended petition, which the clerk of the court will provide to him. Red Kettle is ordered not to file any other amended pleadings or supplements to his amended pleadings, aside from the one contemplated above, without first obtaining leave of court.

(Filing No. [78](#) at CM/ECF p. 5.)

Red Kettle's amended petition (Filing No. [80](#)) is the operative petition in this case. His previously filed supplements, amended petitions, and motions seeking to amend his claims number well over 500 pages. As Red Kettle has already been advised, he may not incorporate any part of his prior petitions or supplements into his amended petition. In addition, as he has already been advised, he is ordered not to file any other amended pleadings or supplements to his pleadings without first obtaining leave of court. (See Filing No. [78](#) at CM/ECF p. 5.)

IT IS ORDERED that Red Kettle's request to incorporate his previous filings into his amended petition (Filing No. [81](#)) is denied.

DATED this 4th day of November, 2015.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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